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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,712	02/04/2004	Thomas Wolff	HO-P02932US0	4129
26271	7590	02/28/2006	EXAMINER	
FULBRIGHT & JAWORSKI, LLP			LAWRENCE JR, FRANK M	
1301 MCKINNEY			ART UNIT	PAPER NUMBER
SUITE 5100				
HOUSTON, TX 77010-3095			1724	

DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/771,712	WOLFF, THOMAS	
	<b>Examiner</b>	<b>Art Unit</b>	
	Frank M. Lawrence	1724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 04 February 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_.

## **DETAILED ACTION**

### *Specification*

1. The disclosure is objected to because of the following informalities: A brief description of the drawings is required.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1 and 17 are indefinite because it is unclear whether the phrase “to achieve a high working capacity, in particular at 42°C” adds any limitation to the claims. It is also vague as to whether or not the limitation excludes other temperatures. In addition, it is unclear whether the phrase “to retain a residual loading which is possibly present in the micropores” adds any limitation to the claims. Also, the word “possibly” is vague because it can be taken as “optionally” and it does not indicate whether or not residual loading exists in the micropores. Claims 2-16 and 18-20 are rejected for depending from a rejected parent claim.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Peng et al. (6,251,822).

6. Peng et al. '822 teach a honeycomb activated carbon monolith comprising a microporous carbon having micropores making up at least about 80% of the pore volume (col. 1, lines 16-44, col. 2, lines 1-3, col. 5, lines 6-11). The material will inherently contain mesopores.

7. Claims 1, 2 and 4-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Derbyshire et al. (6,057,262).

8. Derbyshire et al. '262 teach an activated carbon material that can be used for gas adsorption, comprising a micropore volume from 0.42-0.74 cc/g and a mesopore volume from 0.08-0.63 cc/g (col. 4, lines 20-34). In one example, the material has a micropore volume of 0.45 cc/g and a mesopore volume of 0.33 cc/g (col. 10, line 51 to col. 11, line 5).

9. Claims 1, 2, 4 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Pak et al. (6,812,187).

10. Pak et al. '187 teach a carbon molecular sieve adsorbent material having a total pore volume of 1.0 cc/g, a microporosity of 35% or more, and mesopores. In an

example, the material has a micropore volume of 0.62 cc/g and a mesopore volume of 1.05 cc/g (abstract, col. 3, lines 14-18, col. 8, lines 60-67, Tables 1-2).

11. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Baker (5,710,092).

12. Baker '092 teaches a highly microporous hydrocarbon adsorbent, comprising an activated carbon material that can have a micropore volume 0.83-0.86 cc/g and a pore volume of 1.12 cc/g for pores having a diameter of less than 50 angstroms, and a pore volume of 1.14-1.15 cc/g for pores having a diameter of less than 1000 angstroms, resulting in a mesopore volume of between 0.25-0.35 cc/g (abstract, col. 1, lines 9-17, col. 2, lines 6-25, Table 1).

#### *Allowable Subject Matter*

13. Claim 17 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

14. Claims 9-16 and 18-20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

#### *Conclusion*

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The additional references listed on the attached PTO-892 form disclose microporous carbon materials.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank M. Lawrence whose telephone number is 571-272-1161. The examiner can normally be reached on Mon-Thurs 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frank M. Lawrence  
Primary Examiner  
Art Unit 1724

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*Frank Lawrence*

1-26-08